

## **MICRONESIA**

The Federated States of Micronesia is a constitutional republic composed of four states: Chuuk, Kosrae, Pohnpei, and Yap. Its population was approximately 103,000. Individual states enjoyed significant autonomy and traditional leaders retained considerable influence in Pohnpei and Yap. The elected unicameral Congress selects the president from among its four at-large members. In 2007 Congress chose Emanuel Mori as president. There were no formal political parties. The most recent elections for Congress, held in March 2009, were considered generally free and fair, despite technical problems and some allegations of fraud in Chuuk. Security forces reported to civilian authorities.

Reported human rights problems included judicial delays, government corruption, discrimination against women, domestic violence, and child neglect.

### **RESPECT FOR HUMAN RIGHTS**

Section 1    Respect for the Integrity of the Person, Including Freedom From:

a.    Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b.    Disappearance

There were no reports of politically motivated disappearances.

c.    Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, and unlike in the previous year, there were no reports that government officials employed them.

#### **Prison and Detention Center Conditions**

Prison and detention center conditions generally met international standards.

The government permits prison visits by independent human rights observers, but none occurred during the year.

At year's end the country's four states had approximately 100 inmates held in facilities with a total capacity of 150 prisoners. Pohnpei held 18 persons, including one woman and one pretrial detainee; Yap held 19 persons, including one woman, five pretrial detainees, and five prisoners on work-release programs; Kosrae held 16 persons (all male), including one pretrial detainee and one mentally ill person; and Chuuk held 47 persons. No further information was available on those held in Chuuk. Pretrial detainees usually were held together with convicted prisoners.

There were no designated juvenile detention facilities, so the states seldom incarcerated juvenile offenders. Such crimes were usually resolved in the traditional, mediation-based manner between the families of the perpetrator and the victim. No juveniles were incarcerated as of year's end.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions, but authorities rarely investigated such allegations. The government has the obligation to investigate and monitor prison and detention center conditions, but no information was publicly available as to whether it did so during the year. There is no ombudsman to serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate any overcrowding; addressing the status and circumstances of confinement of juvenile offenders; and improving pretrial detention, bail, and recordkeeping procedures to ensure prisoners do not serve beyond the maximum sentence for the charged offense.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

#### Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the national, state, and local police forces, and the government has effective mechanisms to investigate and punish abuse and corruption. Law enforcement agencies in Chuuk remained staffed with friends and relatives of powerful individuals, and the public defenders in

Chuuk and Yap States relayed some anecdotal reports of police abuse, but no cases were investigated or charged during the year.

### Arrest Procedures and Treatment While in Detention

Warrants are required for arrests, and detainees were promptly advised of the charges against them. Detainees must be brought before a judge for a hearing within 24 hours of arrest, and this requirement was generally observed in practice. Most arrested persons were released on bail. Detainees had prompt access to family members and lawyers. However, the Public Defender's Office was underfunded, and not all detainees who requested its assistance received adequate legal assistance in practice.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

The formal legal system coexists with traditional, mediation-based mechanisms for resolving disputes and dealing with offenders at the local level. As a result, few cases reach the trial stage. Except in major criminal cases such as murder or rape, if a perpetrator apologizes, the families involved can determine an appropriate punishment.

### Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public, although juveniles are allowed closed hearings. Judges conduct trials and render verdicts; there are no juries. Defendants enjoy a presumption of innocence and have the right to counsel, to question witnesses, to access government-held evidence, and to appeal convictions. The law extends these rights to all citizens. Despite these provisions, cultural resistance to litigation and incarceration as methods of maintaining public order allowed some persons to act with impunity. Serious cases of sexual and other assault and even murder did not go to trial, and suspects routinely were released indefinitely. Bail, even for major crimes, usually was set at low levels.

There is a national public defender system with an office in each state. However, the system was underfunded, and not all defendants received adequate legal assistance in practice. The national public defender reported no case backlog

during the year, but the state public defender's offices had a backlog of cases not only because of the lack of staff, but also, in Chuuk, because of a lack of sufficient judges to hear the cases. The National Court also lacked sufficient funding and staffing to adequately uphold standards. One member of the bar was a convicted felon who represented persons in court. The National Bar Association lacked a standard procedure for disbarment.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. The Supreme Court is responsible for hearing lawsuits seeking damages for, or cessation of, human rights violations.

##### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The constitution provides for freedom of expression but does not refer specifically to speech or the press; however, the government generally respected these rights in practice.

Individuals could criticize the government publicly or privately without reprisal. The number of independent media outlets remained small, however, and there was a lack of consistently reliable access to broadcast media.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. Cost and

lack of infrastructure limited public Internet access on the outlying islands in each state. On the four principal islands, infrastructure was adequate, but cost still limited access. However, each state telecommunications office had Internet work stations available to the public 24 hours a day for reasonable hourly fees. The International Telecommunication Union reported that approximately 16 percent of the country's inhabitants used the Internet in 2009.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

#### c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country. Foreign travel, emigration, and repatriation are addressed in other areas of the law. In practice none of these rights were restricted. The need did not arise during the year for government cooperation with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law does not explicitly prohibit forced exile; however, statutes that prescribe punishments for crimes do not provide for the imposition of exile, and the government did not employ it.

#### Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees, and the

government has not established a system for providing protection to refugees. There were no formal requests for refugee status or asylum during the year, and there were no reports of expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

### Section 3    Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

#### Elections and Political Participation

The 14-member Congress comprises 10 members elected by district and four at-large members, one from each state. The last national congressional elections, held in March 2009, were generally free and fair. In statewide elections in Chuuk in March 2009, there were allegations of polling fraud. International election monitoring and review concluded that Chuuk experienced some procedural irregularities, but the outcome was not significantly altered.

State governors, state legislators, and municipal governments are elected by direct popular vote. There are no restrictions on the formation of political groups; however, there were no significant efforts to form organized political parties, and none existed. Candidates generally sought political support from family and allied clan groupings, religious groups, and expatriate citizen communities.

Cultural factors in the male-dominated society limited women's representation in government and politics. Women were well represented in the middle and lower ranks of government at both the federal and state level but were scarcer in the upper ranks. A woman held the cabinet-level position of secretary of health services, and there was one female justice on the Pohnpei State Supreme Court. No women ran for national office in the 2009 elections. There was one elected woman serving in a governing body, a member of the Pohnpei State legislature. There were no women in the other state legislatures or in the national legislature.

The country is a multicultural federation, and both the legislature and the government included persons from various cultural backgrounds.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government sometimes implemented these laws effectively; however, officials sometimes engaged in corrupt practices with impunity. Government corruption was a serious problem, particularly in Chuuk State.

Public officials were not subject to financial disclosure laws. The Office of the Attorney General has primary responsibility for combating government corruption. However, the national attorney general, appointed in 2007, remained suspended from practice before the bar due to allegations of improper practices prior to assuming the position of attorney general. (His suspension dated from 1999.)

There is no national law providing for public access to government information. The speaker of Congress can declare any congressional documents confidential. State laws and practices varied. Legislative hearings and deliberations generally were open to the public. In Pohnpei the state legislature's proceedings were televised, and in Yap they were broadcast on FM radio. Information from other branches of government also was accessible; however, retrieval sometimes was delayed by the loss or mishandling of records and the need for lower level administrative personnel to verify that release was permissible. There were no reported cases of government denial of access to media, but there were only a small number of media outlets, and their reporting resources were limited.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although there are no official restrictions, no local groups concerned themselves exclusively with human rights. Several groups addressed problems concerning the rights of women and children, and the government cooperated with these groups.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law provide explicit protection against discrimination based on race, sex, or language, but societal discrimination against women remained a problem.

Women

Sexual assault, including rape, is a crime. There is no specific law against spousal rape. Sexual assault involving a dangerous weapon or serious physical or psychological harm to the victim is punishable by up to nine years' imprisonment in Chuuk and 10 years' imprisonment in the other three states, and/or a fine of up to \$20,000 (the U.S. dollar is the national currency) in Kosrae and \$10,000 in the other states. If neither a dangerous weapon nor serious harm is involved, the assault is punishable in all states by up to five years' imprisonment or a fine. Such crimes were underreported, however, due to social stigma, and few cases were prosecuted. The curriculum at the police academy included programs to train police officers to recognize the problem. According to police and women's groups, there were a number of reports of physical and sexual assaults against women, both citizens and foreigners, outside the family context.

Reports of spousal abuse, often severe, continued during the year. Although assault is a crime, there were no specific laws against domestic abuse. Effective prosecution of offenses was rare. In many cases victims decided against initiating legal charges against a family member because of family pressure, fear of further assault, or belief that the police would not involve themselves actively in what is seen as a private family problem. Within the traditional extended family unit, violence, abuse, and neglect directed against spouses or children were deemed offenses against the family, not just the individual victims, and were addressed by a complex system of familial sanctions. However, traditional methods of coping with family discord were breaking down with increasing urbanization, monetization of the economy, and greater emphasis on the nuclear family. No government agency, including the police, has succeeded in replacing the extended family system or in addressing the problem of family violence directly.

There were no governmental or private facilities to shelter and support women in abusive situations. However, Pohnpei State began a program of domestic violence education that included a hotline. The Pohnpei Department of Public Safety also began training its officers to handle domestic violence situations. In June the Chuuk State Attorney General's Office sponsored a three-day workshop on domestic violence conducted by representatives of a foreign attorneys general association. Attendees included members of state government, the religious community, and women's and other interested community groups. As a result of the workshop, the Chuuk Women's Advisory Council, a nongovernmental organization (NGO), received a foreign government grant to build a multipurpose center to be used initially as an office and eventually also as a shelter for victims of domestic violence.



In July the national government held a National Women's Conference that addressed various gender-based issues, including women's health, women in decision making, self employment of women, improving women's education, problems of women with disabilities, and domestic violence. The conference adopted three resolutions: asking all states to pass mandatory maternity leave for state employees, as the national and Kosrae State governments already had done; urging state governments to pass necessary laws to address domestic violence and other forms of violence against women; and endorsing a pending congressional bill to provide reserved seats for women in Congress.

The law does not prohibit sexual harassment, and anecdotal reports suggested that it was pervasive.

Couples and individuals have the right to decide the number, spacing, and timing of children, and the information and means to do so free from discrimination. Access to information on contraception, prenatal care, skilled attendance at delivery, and postpartum care were widely available through private and public medical facilities. The maternal death rate could not be calculated due to underreporting or missing data; however, the maternal mortality ratio was estimated to be very low. According to indicators published by the Population Reference Bureau, skilled health personnel attended an estimated 88 percent of births, and an estimated 70 percent of married women ages 15-49 used modern contraceptive methods. The government conducted public information campaigns on reproductive health matters through posters and billboards; other types of local media were not readily available. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

Women have equal rights under the law, including the right to own property, and there were no institutional barriers to education or employment. The largest employers were the national and state governments, and women received equal pay for equal work. The public sector comprises fully half of the country's 15,500 jobs, with nearly 5,000 in state government positions and approximately 2,500 in national and municipal government or public enterprises or agencies. Societal discrimination against women continued, however, and cultural mores encouraged differential treatment for women. For example, in Yap State women were prohibited from entering a meeting hall during men's meetings. In Chuuk State women must bow in the presence of men during formal meetings. Nonetheless, women were active and increasingly successful in private business. There was a national women's working group made up of female national government

employees, including the secretary of health and social services, that advised the government. Additionally, several small NGOs were interested in women's issues, particularly those associated with family violence and abuse. The Women's Interest Section of the Department of Health and Social Services worked to protect and promote women's rights.

### Children

A child acquires citizenship if one or both parents were citizens. Individual states maintain birth records.

Although a compulsory education law requires all children to begin school at age six, not all did so, and the law was not enforced. A shortage of qualified teachers and lack of textbooks hampered progress. The law permits children to leave school when they reach the age of 14 or after completing the eighth grade.

Child abuse is illegal, although the constitution provides for a right of parental discipline. Crime statistics indicated no complaints of, or arrests for, child abuse during the year, but cultural attitudes regarding parental discipline limited the reporting of abuse. There were some anecdotal reports of child abuse and neglect.

The states' statutory rape laws apply to children age 13 and below in Chuuk, Yap, and Kosrae and age 15 and below in Pohnpei. The maximum penalties vary according to state--Chuuk: five years' imprisonment, \$5,000 fine; Kosrae: 10 years, \$20,000 fine; Yap: 10 years, \$10,000 fine; and Pohnpei: five years, \$5,000 fine. Only Pohnpei has a statute prohibiting child pornography. Both Chuuk and Pohnpei have provisions against exhibiting "adult films" in general; Yap and Kosrae have no such provisions. Both Chuuk and Pohnpei impose a penalty of six months' imprisonment for violations.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### Anti-Semitism

There were no known Jewish communities in the country, and there were no reports of anti-Semitic acts.

## Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

## Persons with Disabilities

The law prohibits discrimination in public service employment against persons with physical disabilities. There were no reports of discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, access to health care, or provision of other state services; however, persons with disabilities usually did not seek employment outside the home. Children with disabilities, including learning disabilities, were provided with special education, including instruction at home if necessary; however, such classes were dependent on foreign funding. Neither laws nor regulations mandate accessibility to public buildings or services for persons with disabilities. In practice many buildings had ramps and/or were only one story. There was one elevator in the two-story Pohnpei State government building--the only elevator in the country. There were no policies or programs to ensure access to information and communications for persons with disabilities.

Due to a lack of facilities for treating mentally ill persons, some persons with mental illnesses but no criminal background were housed in jails. The authorities provided separate rooms in jails for persons suffering from mental illness, and state health departments provided medication as part of their programs to provide free treatment to all mentally ill residents.

The national Health Services Department is responsible for protecting the rights of persons with disabilities.

## National/Racial/Ethnic Minorities

Each of the country's four states has a different language and culture. Traditionally the state of Yap had a caste-like social system with high-status villages, each of which had an affiliated low-status village. In the past those who came from low-status villages worked without pay for those with higher status. In exchange those with higher status offered care and protection to those subservient to them. The traditional hierarchical social system has been gradually breaking down, and capable people from low-status villages could rise to senior positions in society. Nonetheless, the traditional system continued to affect contemporary life. Persons

from low-status backgrounds tended to be less assertive in advocating for their communities' needs with the government. As a result, low-status communities sometimes continued to be underserved.

The national and state constitutions prohibit noncitizens from purchasing land, and a 2002 law continued to limit the occupations that noncitizens could fill. The national Congress granted citizenship to non-Micronesians only in rare cases. There is no permanent residency status. For the most part, however, noncitizens shared fully in the social and cultural life of the country.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There are no laws criminalizing homosexual conduct. There were no reports of violence, official or societal discrimination, or workplace discrimination against lesbian, gay, bisexual, or transgender persons.

#### Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

### Section 7 Worker Rights

#### a. The Right of Association

Although the law does not specifically provide for the right of workers to join a union, under the constitution citizens have the right to form or join associations, and national government employees by law can form associations to "present their views" to the government without being subject to coercion, discrimination, or reprisals. No workers, including foreign workers, were prohibited from joining unions, but for a variety of reasons--including the fact that most private-sector employment was in small-scale, family-owned businesses and citizens were not accustomed to collective bargaining--there were no unions. The national and state governments employed more than half of the country's wage-earning workers. The majority of the remaining working-age population was engaged in subsistence farming and fishing.

There is no specific right to strike, but no law prohibits strikes. There were no employment-related disputes or demonstrations during the year.

b. The Right to Organize and Bargain Collectively

No law deals specifically with trade unions or with the right to collective bargaining. Since there were no unions, there were no reports of collective bargaining agreements during the year. Individual employers, the largest of which were the national and state governments, set wages.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor. There were reports of a few men and women from other Pacific nations being subjected to forced labor.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

d. Prohibition of Child Labor and Minimum Age for Employment

National and state laws do not establish a minimum age for employment of children. In practice there was no employment of children for wages, but children often assisted their families in subsistence farming and in family-owned shops.

e. Acceptable Conditions of Work

The minimum hourly wage for employment with the national government was \$2.65. All states had a minimum hourly wage for government workers: \$2.00 in Pohnpei, \$1.25 in Chuuk, \$1.42 in Kosrae, and \$1.60 in Yap. Only Pohnpei had a minimum wage for private sector workers: \$1.35 per hour. These minimum wage structures apply to skilled and unskilled workers and were sufficient to provide a decent standard of living for a worker and family. The minimum wage was enforced through the tax system, and this mechanism was believed to be effective.

There are no laws regulating hours of work (although a 40-hour workweek was standard practice) or prescribing standards of occupational safety and health. A federal regulation requires that employers provide a safe workplace, but the Department of Health had no enforcement capability, and working conditions varied in practice. There is no law for either the public or private sector that permits workers to remove themselves from dangerous work situations without jeopardy to their continued employment.

Foreign workers were not subjected to abuse or deported without cause. They have the right to a hearing if facing deportation.

Working conditions aboard some Chinese-owned fishing vessels operating in the country's waters continued to be very poor. Crewmen reported a high incidence of injuries, beatings by officers, and nonpayment of salary.